

# Medi-Cal Program Guide (MPG) Letter #615 Addendum A

December 28, 2007

---

<b>Subject</b>	COUNTY MEDICAL SERVICES (CMS)-EXPANSION AND REVISED ELIGIBILITY DETERMINATION PROCESS
----------------	---------------------------------------------------------------------------------------

---

<b>Effective Date</b>	December 01, 2007
-----------------------	-------------------

---

<b>Reference</b>	County Board Letter 10/24/2007 (2)
------------------	------------------------------------

---

<b>Purpose</b>	<p>The purpose of this addendum to MPG letter #615 is to provide:</p> <ul style="list-style-type: none"><li>• Clarifications regarding the lien process</li><li>• Questions and answers related the MPG Letter #615</li><li>• Revised forms related to CMS Expansion</li></ul>
----------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

---

<b>Background</b>	<p>An expansion to the CMS Program was approved by the San Diego County Board of Supervisors on 10/24/07. As a result, effective December 1, 2007, CMS Program benefits are now certified under two separate eligibility categories. These two categories are referred to as CMS and CMS Expansion. Instructions regarding these changes were provided to staff in MPG Letter #615.</p>
-------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

---

<b>Liens</b>	<p>Effective 12/01/2007, all CMS and CMS Expansion applicants are required to complete and sign the CMS Grant of Lien (CMS-122) and CMS Lien Information (CMS-123) forms as a condition of eligibility. If the applicant refuses to sign the lien forms, the application for CMS is denied. The Lien Cover Sheet (CMS-123A) will also be provided to all applicants. <u>All forms must be signed in English.</u> Spanish speaking applicants must also sign the lien forms in Spanish to acknowledge receipt of lien forms in Spanish. These forms will be used to apply a lien towards the applicant's current or future real estate holdings to recover the cost of claims paid by CMS on the applicant's/beneficiary's behalf. Lien are not initiated until the beneficiary is no longer active on CMS and CMS has paid claims of \$5,000 or more on the beneficiary's behalf.</p>
--------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

---

## Medi-Cal Program Guide (MPG) Letter #615 Addendum A

**Questions and Answers** There have been no changes to the Eligibility Determination process since MPG Letter 615 was issued. County Counsel has provided clarification to the CMS Lien process, which are provided below in the Q&As.

Q. If an applicant refuses to sign the lien forms, do we give applicants a 10/10 to reconsider signing the lien forms, or do we deny the case at the initial refusal (as a failure to cooperate/provide)?

A. At the point in which the applicant refuses to sign the forms, the application should be denied since the lien forms are a condition of eligibility.

Q. Do married couples who are separated, or divorced couples, (including the "absent" spouse) have to sign the lien forms and do we need to verify separation or divorce?

A. If Real Property (Real Estate) is owned, then both spouses must sign but if the couple is separated or divorced, only the applicant must sign the lien forms. The applicant must produce legal papers regarding separation or divorce.

If no Real Property (Real Estate) is owned, then only the applicant needs to sign the lien forms.

Q. If an unmarried couple owns a home together, do both owners have to sign the lien form or just the applicant?

A. No, just the applicant.

Q. Can the lien forms be witnessed & signed by non-County persons?

A. Yes. Technically, any person 18 or over (and not a declared incompetent person) can sign as witness. It is best to have a neutral person, but circumstances may be that only hospital staff can witness. Spouses cannot be witness for each other.

Q. What liability/responsibility does the witness assume by signing the lien form as witness?

A. There should not be any. The witness is only witnessing the signature, not any underlying information.

Q. If the spouse is deceased, do we need to verify?

A. Yes, the applicant must provide a copy of a death certificate or some other evidence of the death.

Q. Do General Relief (GR) clients need to sign CMS lien forms? Article A-7-4 states GR recipients are automatically eligible for CMS. The rest of Article A says CMS recipients have to sign the forms.

A. Yes. General Relief recipients must sign the CMS lien forms in order to receive CMS.

Q. If GR clients do not sign the CMS lien forms, can they be denied CMS coverage?

A. Yes, they are to be denied CMS, but their eligibility to GR is unaffected.

## Medi-Cal Program Guide (MPG) Letter #615 Addendum A,

### Forms Impact

The table below summarizes all CMS forms which have been revised since MPG Letter 615 was issued.

Number	Title	Change	Action	Attachment
CMS-01	Application for CMS Hardship Waiver	New Form	Use eff 12/1/07	A
CMS-01 (SP)	Application for CMS Hardship	New Form	Use eff 12/1/07	A
CMS-01A	Hardship Waiver Cover Letter	New form	Use eff 12/01/07	B
CMS-01A (SP)	Hardship Waiver Cover Letter	New form	Use eff 12/01/07	B
CMS-122	CMS Grant of Lien	New notice	Use eff 12/01/07	C
CMS-122 (SP)	CMS Grant of Lien	New notice	Use eff 12/01/07	C
CMS-123A	CMS Lien Acknowledge Statement	New notice	Use eff 12/01/07	D
CMS-123	CMS Lien Information	New notice	Use eff 12/01/07	E
CMS-123 (SP)	CMS Lien Information	New notice Spanish	Use eff 12/01/07	E
CMS-15	Rights and Responsibilities	Revised Language	Use eff 12/01/07	F
CMS-15 SP	Rights and Responsibilities	Revised Language	Use eff 12/01/07	F

### Quality Assurance Impact

Quality Assurance will hold staff harmless during the month of implementation of these new regulations (January 2008). Quality Assurance will cite the following:

- Failure to have CMS and CMS Expansion applicants complete the CMS Grant of Lien (CMS-122) and CMS Lien Information (CMS-123) forms and/or failure to narrate completion of forms will result in a citation of "incorrect case".

Any errors cited for January 2008 must be corrected in a timely manner. Effective 2/01/08 and ongoing, Quality Assurance will cite with the appropriate error any case that does not meet the requirements of this letter.

## Medi-Cal Program Guide (MPG) Letter #615 Addendum A

---

**Automation Impact**      IDX programming changes have been made to accommodate the addition of the CMS Expansion category. New plan descriptions titles have been added to the enrollment screen and will identify persons in the CMS Expansion category

---

**Appeals Impact**      No change

---

**Summary of Change**      The table below shows the changes made to the Medi-Cal Program Guide (MPG)

Article/Section	Changes
Article A, Section 5	CMS Expansion Lien forms, Instruction
Article A, Appendix D	Questions and Answers

---

**Filing Instructions**      The table below shows how to file the MPG material.

Topic	See Page
Remove	Article A, Section 5,10
Replace	Article A, Section 5, 10
Remove	Article A, Section 5 appendix A1 and B
Replace	Article A. Section 5 appendix A1 and B
Add	Article A, Section 5 appendix D1

---

**Important Note**      The MPG is available in its entirety on the County Intranet by accessing <http://interanet/manuals/mpg/index.html>. The MPG revisions listed in this letter will be entered into the Intranet MPG at the next update.

---

## Medi-Cal Program Guide (MPG) Letter #615 Addendum A

---

### Managers Approval



VICKI MIZEL, Assistant Deputy Director  
Health Care Policy Administration  
Strategic Planning and Operational Support Division



DANN CRAWFORD, Assistant Deputy Director  
Medi-Cal, General Relief and CAPI Program Administration  
Strategic Planning and Operational Support Division  
TO GS 010308 ADV "YES"

### Manager Contact

Stacie Bruner  
(858) 492-2247

---